

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**William A Fleming
Bridget R Fleming
Debtor(s)**

Bankruptcy Case No.: 14-70126-JAD
Issued Per June 8, 2017 Proceeding
Chapter: 13
Docket No.: 127 – 112, 120, 121
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 19, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,316 as of June 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Nationstar Mortgage at Claim No. 8-2 with payment changes implemented and post-petition fee paid .
- H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

- A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: June 15, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
 William A Fleming
 Bridget R Fleming
 Debtors

Case No. 14-70126-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 27

Date Rcvd: Jun 15, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 17, 2017.

db/jdb +William A Fleming, Bridget R Fleming, 10 Scott Lane, Philipsburg, PA 16866-8550
 13901516 +American InfoSource LP as agent for, DIRECTV, LLC, Mail Station N387, 2230 E Imperial Hwy, El Segundo, CA 90245-3504
 13806104 +First National Collect, 610 Waltham Way, Mccarran, NV 89434-6695
 13806105 +Full Service Network, 600 Grant St Fl 30, Pittsburgh, PA 15219-2709
 14308019 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage LLC, ATTN: Bankruptcy Department, P.O. Box 619096, Dallas, TX 75261-9741)
 13806107 +National Recovery Agen, 2491 Paxton St, Harrisburg, PA 17111-1036
 13806108 Nationstar, Po Box 199111, Dallas, TX 75235
 13870299 +Penelec, 331 Newman Springs Rd, Building 3, Red Bank, NJ 07701-5688
 13806110 +Penelec, P.O. Box 3687, Akron, OH 44309-3687
 13806114 +Rezk Medical Supply, P.O. Box 520, Carrolltown, PA 15722-0520
 13806115 +Rmg Systms, Po Box 44414, Eden Prairie, MN 55344-1414
 13806116 +Scnd Chnc Au, 4801 S. Eagle Vall, Julian, PA 16844-9703
 13806117 +Tyrone Hospital, 187 Hospital Drive, Tyrone, PA 16686-1898
 13806118 +Uhv Fidelity, 1445 Langham Creek, Houston, TX 77084-5012

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13806102 +E-mail/Text: EBNProcessing@afni.com Jun 16 2017 01:01:12 Afni, Po Box 3097, Bloomington, IL 61702-3097
 13806103 +E-mail/Text: bankruptcy_notifications@ccsusa.com Jun 16 2017 01:01:25 Credit Coll, Po Box 9134, Needham, MA 02494-9134
 13835998 E-mail/Text: JCAP_BNC_Notices@jcapi.com Jun 16 2017 01:01:14 Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-
 13870452 E-mail/PDF: resurgentbknotifications@resurgent.com Jun 16 2017 00:57:08 LVNV Funding, LLC its successors and assigns as, assignee of OSI Portfolio Services, Inc., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 13901528 E-mail/PDF: resurgentbknotifications@resurgent.com Jun 16 2017 00:57:08 LVNV Funding, LLC its successors and assigns as, assignee of North Star Capital, Acquisition LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 13901584 E-mail/PDF: resurgentbknotifications@resurgent.com Jun 16 2017 00:57:27 LVNV Funding, LLC its successors and assigns as, assignee of Household Bank (SB), N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 13806106 +E-mail/Text: bankruptcydpt@mcmcgroup.com Jun 16 2017 01:01:06 Midland Funding, 8875 Aero Dr Ste 200, San Diego, CA 92123-2255
 13806107 +E-mail/Text: Bankruptcies@nragroup.com Jun 16 2017 01:01:34 National Recovery Agen, 2491 Paxton St, Harrisburg, PA 17111-1036
 13806109 +E-mail/Text: bankruptcydepartment@tsico.com Jun 16 2017 01:01:24 Nco Fin/09, 507 Prudential Rd, Horsham, PA 19044-2308
 13906013 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 16 2017 00:57:19 Portfolio Recovery Associates, LLC, POB 12914, Norfolk, VA 23541
 13806111 +E-mail/Text: csc.bankruptcy@amwater.com Jun 16 2017 01:01:27 Pennsylvania American Water, PO Box 578, Alton, IL 62002-0578
 13806112 +E-mail/Text: paul.cressman@phelanhallinan.com Jun 16 2017 01:01:21 Phelan, Hallinan, LLP, c/o John D. Krohn, Esquire, 1617 John F. Kennedy Boulevard, Suite 1400, Philadelphia, PA 19103-1814
 13806113 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 16 2017 00:57:35 Portfolio Recovery Ass, 120 Corporate Blvd Ste 1, Norfolk, VA 23502-4952
 13806119 +E-mail/Text: bnc-bluestem@quantum3group.com Jun 16 2017 01:01:21 Webbbank/Fingerhut, 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC
 cr Nationstar Mortgage LLC
 13888352* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage, LLC., Attention: Bankruptcy Department, P.O. Box 630267, Irving, TX 75063)
 13814028 ###Rjm Acquisitions Llc, 575 Underhill Blvd, Suite 224, Syosset, NY 11791-3416

TOTALS: 2, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-7

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 27

Date Rcvd: Jun 15, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 17, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 15, 2017 at the address(es) listed below:

Alexandra Teresa Garcia on behalf of Creditor Nationstar Mortgage LLC ecfmail@mwc-law.com
Andrew F Gornall on behalf of Creditor Nationstar Mortgage LLC agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com:bkgroup@kmllawgroup.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC bkgroup@kmllawgroup.com
James A. Prostko on behalf of Creditor Nationstar Mortgage LLC pawb@fedphe.com,
james.prostko@phelanhallinan.com
Joseph P. Schalk on behalf of Creditor Nationstar Mortgage LLC pawb@fedphe.com,
joseph.schalk@phelanhallinan.com
Kenneth P. Seitz on behalf of Joint Debtor Bridget R Fleming thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor William A Fleming thedebterasers@aol.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmeccf@chapter13trusteevdpa.com

TOTAL: 9